

#19 B.Y.  
3-1-02Docket No.: 1059-007IN THE UNITED STATES PATENT AND TRADEMARK  
PATENT OPERATION

In re Application of:

Barry Libin

Serial No.: 09/224,781

Filed: January 4, 1999

For: METHOD OF PREVENTING AND TREATING MUCOSAL AND  
DERMAL CONDITIONSNew York, NY 10036  
November 6, 2000Assistant Commissioner for Patents  
Washington, DC 20231

## LETTER


This Letter is being filed in response to the Office Action that was mailed October 5, 2000.

In response to the requirement to elect a cationic antimicrobial agent and a species of disease selected from mucositis, fungus disease infection or herpetic infection, the applicant elects cetylpyridinium chloride as the cationic antimicrobial agent and fungus disease infection as the species of disease, with traverse.

The Examiner has not shown that independent and distinct inventions are present as required by the terms of 35 U.S.C. §121 and has based the requirement on an allegation that separate and burdensome fields of search are required. A full search has been made and it does not appear that any additional search is required which would be burdensome. The Examiner has cited 22 references which points to complete and thorough search which has previously been carried out. For these reasons, it is requested that this requirement be withdrawn.

The Examiner's attention is directed to copending application Serial No.09/168,950 filed October 9, 1998 wherein the Declaration of Norman Spainhour attests to the unexpected results which flow from the combination of triclosan and cetyl pyridinium chloride on Candida albicans.

Respectfully submitted,

  
James V. Costigan  
Reg. No. 25,669

Hedman, Gibson & Costigan, P.C.  
1185 Avenue of the Americas  
New York, NY 10036  
(212) 302-8989

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents,  
Washington, D.C. 20231. on 11/16/06

## HEDMAN &amp; COSTIGAN, P.C.

ATTORNEYS AT LAW

1165 AVENUE OF THE AMERICAS  
NEW YORK, NEW YORK 10036-2646

EDWARD A. HEDMAN  
JAMES V. COSTIGAN  
KENNETH F. FLOREK  
ALAN B. CLEMENT  
MARTIN P. ENDRES  
DAVID A. DOW  
KATHLEEN A. COSTIGAN  
JOHN F. VOLPE  
KATHARINE G. LOVINO  
E. JANET BERRY  
MARTHA M. RUMORE

FAX RECEIVED

MAY 07 2001

TELEPHONE  
(212) 302-8989TELECOPIER  
(212) 302-8988TELECOPIER TRANSMISSION

GROUP 1600

E-MAIL  
mail@hgcpatent.comURL: <http://www.hgcpatent.com>TO: Examiner Shep K. Rose Group Art Unit: 1614FAX NO.: (703)308-4556FROM: Hedman & Costigan, P.C.TOTAL NO. OF PAGES INCLUDING THIS COVER SHEET: 5DATE: May 7, 2001CHARGE: 1059-007

(IF THERE ARE ANY PROBLEMS REGARDING THIS TRANSMISSION,  
PLEASE CALL (212) 302-8989, EXT. 17 OR 18)

CONFIDENTIAL

THE INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL AND MAY BE SUBJECT  
TO THE ATTORNEY-CLIENT PRIVILEGE OR ATTORNEY WORK PRODUCT EXCLUSION.

THIS FACSIMILE IS ONLY INTENDED FOR THE DESIGNATED RECIPIENT(S). ANY RECIPIENT OTHER  
THAN THE DESIGNATED RECIPIENT(S) IS HEREBY NOTIFIED THAT ANY DISCLOSURE OR USE OF THE  
INFORMATION IS UNAUTHORIZED AND PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN  
ERROR, PLEASE NOTIFY: HEDMAN, GIBSON & COSTIGAN, P.C. BY TELEPHONE AT (212) 302-8989

REMARKS: [ ] Urgent [ X ] For Your Review/Comments [ ] Reply ASAP [ ] FYI  
[ X ] Per Your Request Original [ ] will / [ ] will not follow

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United  
States Patent & Trademark Office, Fax No. (703) 308-4556 on May 4, 2001.

Typed or printed name of person signing this certificate:

Glenda L. Carrasquillo

Signature: \_\_\_\_\_

TOTAL

Case No.: 1059-007

Serial No.: 09/224,781 Filed: January 4, 1999

Date Mailed: November 6, 2000 (w/Certificate of Mailing)

Date Due in Patent Office: November 5, 2000 (Sun.)

The return of this postcard properly stamped will acknowledge receipt  
in the U.S. Patent and Trademark Office of the following subject matter:

AMENDMENT

JVC/r1

✓

BEST AVAILABLE COPY

RECEIVED  
DEC 13 2000

WASHINGTON, DC 200  
4 DEC 2000

2005A

**RECEIVED**  
**DEC 06 2000**  
**HEDMAN & COSTIGAN, P.C.**

**HEDMAN, GIBSON, & COSTIGAN, P.C.**  
1185 AVENUE OF THE AMERICAS  
NEW YORK, NEW YORK 10036-2848

0036/2848